

vacation request has been denied due to departmental operating needs.

### Section 18.3 Pay upon Termination

Employees who terminate employment shall be paid in a lump sum for all unused vacation leave accrued in accordance with the provisions of this section prior to the date of termination.

### Section 18.4 Scheduling

The times during the calendar year at which an employee shall take vacation shall be determined by the department head with due regard for the wishes of the employees and particular regard for the needs of the service with seniority governing when conflicts arise.

## Section 19. Leaves of Absence

### Section 19.1 Sick Leave

(a) Purpose. Sick leave shall not be considered a privilege which an employee may use at the employee's discretion, but shall be allowed in case of necessity and actual sickness or disability, except as provided in paragraphs (4) and (5) of subsection (b).

(b) Rate and conditions of accrual and utilization of sick leave:

(1) For full-time employees, sick leave shall be accrued at the rate of eight hours for each calendar month of service, except as provided in paragraph (3).

(2) Unused sick leave shall be accumulated at the rate of ninety-six (96) hours a year. There is no maximum amount which an employee may accrue.

(3) Sick leave, vacation leave, and holiday leave shall not accrue when the employee is on leave without pay.

(4) Employees of this bargaining unit shall be eligible to utilize sick leave upon accrual.

(5) Sick leave may be used for any disability, whether temporary or permanent, by injury or illness arising out of and in the course of the duties of the employee after expiration of salary continuation as provided in Section 19.2.

(6) In the event sick leave is taken by an employee instead of a leave of absence for industrial disability granted by state law where there is a bona fide dispute as to whether the disability is industrial, and such dispute is resolved in favor of the employee, any sick leave which was erroneously deducted from the employee's accumulated sick leave shall be restored to the employee.

(7) Procedure. In order to receive compensation while absent on sick leave, the

employee shall notify an immediate superior or the department head prior to the employee's scheduled starting time, or as outlined in written departmental procedures, if reasonably possible. The employee shall provide such notice daily unless other arrangements have been made. If an employee becomes ill while away from the employee's residence, the employee shall notify a supervisor of the employee's location, including address and telephone number. If the employee has previously been counseled or warned in writing by the supervisor regarding abuse of sick leave, the supervisor may direct the employee to return to the employee's residence if circumstances permit. The supervisor shall not unreasonably require the employee to return to the employee's residence.

(8) Signed statement. When an employee has been absent on sick leave, upon return to work the employee shall submit to the department head a personally signed statement indicating the nature of the illness, injury or disability. Such statement shall be on a form prescribed by the City for such purpose.

(9) Medical certificate. When an employee returns after an absence on sick leave in excess of one work day, the department head may require the employee to submit a certificate signed by a licensed physician indicating the nature of the illness, injury, or disability, in addition to the signed statement required pursuant to paragraph (8). If the employee has previously been counseled or warned in writing by the supervisor regarding abuse of sick leave, such certificate may be required by the department head after absence on sick leave for any amount of time. The City agrees to pay for the cost of obtaining said certificate to the extent that the employee's health insurance does not do so. The employee shall make every effort to take advantage of available insurance coverage.

(10) Duty to remain at home. Whenever an employee who has been previously counseled or warned in writing by the supervisor regarding abuse of sick leave is absent on sick leave, such employee shall remain at the employee's residence, except where hospitalized or attending to a medical appointment, unless the employee has made special arrangements with the employee's supervisor to be away from such residence. In considering any such special arrangement, the supervisor shall ascertain the nature of the illness, injury, or disability; the location(s) at which the employee is to be present; and the reason(s) the employee seeks to remain at a location other than the employee's residence. The supervisor shall only approve a special arrangement if there are legitimate reasons therefore, and if it would not deter the employee's ability to recover.

(11) Availability for notification.

(a) An employee who is absent on sick leave is expected to be available to answer telephone calls related to the illness, injury, or disability, or work-related matters. No employee shall refuse to answer a telephone call from a supervisory employee for that purpose.

(b) If the employee has previously been counseled or warned in writing by the supervisor regarding abuse of sick leave, the employee shall be available to receive visits from a supervisor related to the illness, injury, or disability or work-related matters. No such

employee shall refuse to receive a visit from a supervisory employee for such purposes.

(12) Suspension of sick leave. When, in the sole opinion of the City Council, a job action exists, it shall have the authority to suspend the use of sick leave benefits for the duration of the job action, retroactive to the beginning of such job action. The City Manager shall have sole discretion to grant exceptions for employees the Manager believes to have been ill or injured prior to the job action. As used herein, "job action" includes, but is not limited to, any strike, slowdown, stoppage of work, curtailment of production, concerted refusal of overtime work, refusal to operate designated equipment, or to perform customary duties due to any labor dispute, or any concerted refusal to appear at any assigned work station because of claimed or asserted sicknesses or disabilities.

(13) Sick leave on holidays. If an employee is absent on paid sick leave and a holiday occurs during such absence, the day shall be treated as a holiday taken and such pay shall not be charged against the employee's sick leave credit.

(14) Sick leave payout upon termination. In the event an employee's employment with the City is terminated as a result of retirement, death, or abolition of position, the following amount of unused sick leave shall be paid on termination of employment.

(a) Employees who have completed twenty (20) or more years of City service as a full-time employee: fifty percent (50%) of unused sick leave, or six hundred (600) hours, whichever is less.

(b) Other employees: Fifty percent (50%) of unused sick leave, or four hundred eighty (480) hours, whichever is less.

(15) Family sick leave. Upon the approval of the department head, an employee may use leave time as allowed by state and federal law (presently one half of earned time [48 hours]), when illness of a person of the employee's immediate household, or immediate family as defined in Section 19.3 normally residing within the employee's immediate household, or when the illness of the employee's husband, wife, son, daughter, mother or father, not normally residing within the employee's immediate household requires the employee to take care of such sick person.

## Section 19.2 Industrial Disability Salary Continuation Program

Any regular employee who has suffered any disability arising out of and in the course of employment, as defined by the workers' compensation laws of the State of California, may be entitled to salary continuation while disabled without loss of compensation for the period of such disability to a maximum of 60 calendar days. Such salary continuation may be extended by the City Manager not to exceed one year. The City Manager may call for medical examinations as frequently as would be reasonably necessary, given the nature and extent of the injury and the degree of change of condition within a given period of time, but shall not schedule examinations so frequently as to constitute harassment of the employee. The City may terminate industrial disability salary continuation if a disability retirement is initiated.

### Section 19.3 Bereavement Leave

In the event of a death in the immediate family of an employee, the employee shall, upon request, be granted such time off with pay as is necessary to make arrangements for the funeral and attend same, not to exceed three regularly scheduled working days. This provision shall not apply if the death occurs while the employee is on leave of any kind other than vacation or compensatory time off. Only in the event that the funeral takes place at a location more than 150 miles away from the City of San Bruno, reasonable time off for travel will be allowed, not to exceed one regularly scheduled working day for travel in each direction.

For the purposes of this provision, the immediate family shall be restricted to father, mother, brother, sister, spouse, domestic partner, child, mother-in-law, mother of domestic partner, father-in-law, father of domestic partner, grandparent, grandchild, stepchild, child of domestic partner, foster child, and stepparent. At the request of the City, the employee shall furnish a death certificate and proof of relationship.

Bereavement leave applies only in instances in which the employee attends the funeral, or is required to make funeral arrangements, but is not applicable for any other purpose, such as settling the estate of the deceased.

In addition, an employee may use sick leave, subject to the same limitations as Bereavement Leave, upon the death of an aunt, uncle, nephew, niece, great-grandchild, great-grandparent, or other person with the approval of the department head.

### Section 19.4 Leave of Absence

(a) The City Manager may grant a regular employee a leave of absence without pay or benefits not to exceed one year. A request for such leave shall be in writing and shall be approved or denied by the City Manager in writing.

(b) The City Manager may terminate such leave of absence prior to the scheduled expiration of the leave upon notice to return to duty if the City Manager determines that the circumstances justifying the leave do not exist or if the needs of the City justify termination of the leave.

(c) A denial of a request for leave of absence, or a premature termination of such leave, may be appealed to the City Council.

(d) Upon expiration of a regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause for discharge.

### Section 19.5 Jury Duty Leave; Leave for Court Appearances

(a) Any employee who is called and required to serve as a trial juror shall be entitled to leave

with pay during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall be paid the difference between the employee's full salary and any payment received, except travel pay, for such duty.

(b) When, in the opinion of the department head, an employee's absence from duty would pose an undue burden or hardship upon the efficient operation of the department, the department head may request relief from the appropriate agency for the employee serving as a juror.

(c) An employee who has been subpoenaed as a witness in an official City capacity shall be paid the employee's regular salary, less any witness fee received.

(d) An employee who has been subpoenaed as a witness in a private capacity shall not be eligible for jury or court leave for this purpose. Such an employee may use other forms of leave, including vacation, personal leave bank or compensatory time.

#### Section 19.6 Military Leave

(a) Except as provided in subsection (b), military leave shall be granted in accordance with the provisions of state law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.

(b) No employee who is entitled to a temporary military leave of absence pursuant to the Military and Veterans Code shall be entitled to salary or compensation from the City for the period of such leave. Any employee who is going to take such leave shall, not less than seven days prior to the date of commencement of the leave, report to the Director of Finance in writing the employee's name, department, name and location of military unit, dates when military leave will be taken, and place where such employee will be stationed during such leave. The employee shall also report the estimated amount of salary or compensation the employee expects to receive for such military duties. Upon return from temporary military leave, the employee shall either (1) assign to the City the military paycheck, in which case the employee's next City paycheck would be in the amount to which the employee would have been entitled without deduction on account of military leave; or (2) present to the City a pay voucher signed by the appropriate military authorities indicating the amount of salary or compensation received for such temporary military leave in which case the employee's next City paycheck shall reflect a deduction from the amount to which the employee would have otherwise been entitled in the amount of the military salary or compensation for the temporary leave.

(c) Subsection (b) shall only apply to persons hired after the effective date of this Memorandum of Understanding, July 1, 1983.

#### Section 19.7 Personal Leave Bank

Each employee of this bargaining unit shall have a Personal Leave Bank. The bank shall

be maintained by the Finance Department and reported to the employee by means of a payroll stub entry.

New employees shall begin with a balance of zero (0). Each year on the employee's birthday, the employee's leave bank shall be credited with eight (8) hours of personal leave. The leave bank shall also be credited with eight (8) hours of leave each year on February 12 and September 9, in recognition of prior holidays for Lincoln's Birthday and Admission Day, respectively. Similarly, on Good Friday each year the employee's leave bank shall be credited with four (4) hours of leave.

An employee desiring to take personal leave must make such request in writing to the department head at least seven (7) days prior to the proposed leave, unless otherwise agreed to by the City. Approval of such time off shall be subject to the operating requirements of the department in which the employee works.

Employees will be permitted to accumulate up to a maximum of forty-eight (48) hours in personal leave. An employee whose personal leave bank exceeds 48 hours as of March 12, 2001, will have the hours in excess of 48 transferred to a separate account. Such employee will have six months to develop a plan for using the balance in this account. Any hours not used will be paid to the employee at the employee's hourly rate as of March 12, 2001.

Employees will also be allowed to borrow against future accruals by overdrawing the bank by up to twenty-four (24) hours. Upon termination of employment, an employee shall be paid in a lump sum for all hours remaining in the leave bank, at the employee's final straight-time rate. In the event that an employee leaves City employment with an overdrawn leave bank, the employee shall reimburse the City for the deficit, at the employee's final straight-time rate.

#### Section 19.8 Catastrophic Leave

Employees of this bargaining unit may voluntarily donate vacation leave, holiday leave and compensatory time off to a common bank from which other employees in the bargaining unit may draw in case of their personal illness when they have exhausted sick leave. Catastrophic illness or injury shall be defined for this purpose to mean a life threatening or debilitating illness or injury.

The City may require that the catastrophic nature of the condition be confirmed by a doctor's report. Donated leave will be credited to the receiving employee's sick leave balance on an hour for hour basis and shall be paid at the rate of pay of the receiving employee.

#### Section 19.9 Leave with Pay, Extenuating Circumstances

(a) Occasionally, due to the 24 hour nature of City activities, there are emergency situations [flooding, pipe breaks, trees down, etc.] which can result in the call back of duty personnel, standby personnel, and in some cases, all available personnel. In the interest of

responsiveness to the emergency call out situations and concern for worker safety and compliance with State and Federal regulations governing workplace safety, the City has established leave with pay - extenuating circumstances.

(b) This leave provision shall only apply to non-FLSA Exempt employees in this bargaining unit.

(c) Eligible employees who are called back to work during the employee's normal sleeping period shall be eligible to receive time off with pay. Employees who have been called out or worked overtime during the time period of six (6) hours after and three (3) hours prior to the employee's normally scheduled work day shall be eligible for such leave.

Time off with pay shall be permitted during the employee's normally assigned shift on an hour for hour basis, with consideration given to continuous hours worked outside of the eligible hours, not to exceed the number of hours of the employee's regularly scheduled work shift.

Employees using this paid time off will elect to report to work at a later start time or leave work earlier than normally scheduled in the next regular work day. If a significant number of employees were called out, the supervisor and/or manager shall schedule whom continues working and whom reports for work later in the next workday so as to provide for a minimum staffing level necessary for efficient operations.

(d) As a general rule, and except in extreme emergency situations, employees shall not work longer than fifteen (15) consecutive hours.

(e) This program shall be administered by the appropriate Department Head, subject to authority provided by the City Manager. The appropriate supervisor must note the extenuating circumstance for the Department Head's approval on the affected employee's time sheet.

The affected employee's supervisor has the final determination as to whether an employee continues working and leaves work earlier in the normally scheduled workday or returns home to sleep and report to work later in the normally scheduled workday. The decision of the supervisor shall be based on organizational need and the affected employee's ability to continue working in a safe manner. The decision of the affected employee's supervisor shall be final and binding.

## Section 20. Health and Welfare

### Section 20.1 Health & Welfare Trust Fund

Each regular full-time employee and each permanent part-time employee of this unit shall become eligible to participate in 'Teamsters Local Union No. 856 Health and Welfare Trust Fund', provided, however, that participation in the fund shall not be denied to eligible employees who are not members of the Union. Temporary employees and temporary part-time employees who are employed by the City for a period of ninety (90) days shall also be